

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 RONALD GRAMM,

Case No.: 2:18-cv-02236-APG-VCF

4 Petitioner

Order

5 v.

6 ATTORNEY GENERAL OF NEVADA,

7 Respondents

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9 Petitioner Ronald Gramm has submitted what he has styled as a complaint for damages
10 and paid the \$5.00 habeas corpus petition fee. ECF No. 1. The complaint shall be dismissed.

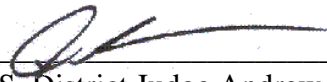
11 First, if Gramm intended to file a habeas petition, the petition must be on the court's
12 form. *See* LSR 3-1. Second, it appears that Gramm is not in custody pursuant to the judgment of
13 conviction that he apparently wants to challenge. However, this court has jurisdiction to hear a
14 claim only by a petitioner who is in custody pursuant to a state-court judgment on the ground
15 that he or she is in custody in violation of the Constitution or laws or treaties of the United
16 States. 28 U.S.C. § 2254(a). Finally, it is unclear what relief Gramm seeks. He claims that his
17 trial counsel was ineffective, which is a claim that sounds in habeas. But he also states that he
18 seeks damages, which are not available in a habeas action. This case is improperly commenced,
19 it does not appear that Gramm is in custody, and the complaint does not appear to state claims
20 for which habeas relief may be granted. Therefore, this action is dismissed.

21 IT IS THEREFORE ORDERED that the petition is **DISMISSED**.
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1 IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

2 IT IS FURTHER ORDERED that the Clerk shall **ENTER JUDGMENT** accordingly
3 and close this case.

4 Dated: January 14, 2019

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7 U.S. District Judge Andrew P. Gordon
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